

sedure by Pub. L. 88-523 of repealed paragraph of “Management of National Wildlife Refuges” in the General Appropriation Act, 1951, approved Sept. 6, 1950 (64 Stat. 595, 693 to 694).

Subsec. (h). Pub. L. 95-469, §1(a)(4), added subsec. (h). 1974—Subsec. (e). Pub. L. 93-509 substituted provisions that moneys remaining in the fund after all payments under this section are made for any fiscal year shall be transferred to the Migratory Bird Conservation Fund and shall be available for land acquisition under the Migratory Bird Conservation Act with exception that the funds available for the management of the National Wildlife Refuge System or for enforcement of the Migratory Bird Treaty Act shall not be diminished for provisions that moneys remaining in the fund after all payments are made for any fiscal year may be used by the Secretary thereafter for management of the System, including but not limited to the construction, improvement, repair, and alteration of buildings, roads, and other facilities, and for enforcement of the Migratory Bird Treaty Act.

1973—Subsec. (a). Pub. L. 93-205 substituted “listed pursuant to section 1533 of this title as endangered species or threatened species,” for “threatened with extinction.”

1966—Subsec. (a). Pub. L. 89-669 defined the National Wildlife Refuge System to include lands acquired or reserved for the protection and conservation of fish and wildlife that are threatened with extinction.

1964—Pub. L. 88-523 substituted provisions designated as subsecs. (a) to (g) for former provisions constituting one paragraph consisting of a first clause with three provisos and a second clause; required in subsec. (a) all receipts from the National Wildlife Refuge System to be covered into a separate fund in the United States Treasury, made the fund available until expended, provided for expenditures without further appropriation, and defined the National Wildlife Refuge System; incorporated the third proviso of the first clause and the second clause in subsec. (b) and the parenthetical matter of subsec. (c); incorporated in the reserved public lands provision of subsec. (c)(1) the formula of the first clause for returning twenty-five per centum of the net revenues from the System to the counties in which the producing refuges are located for the benefit of the public schools and roads therein; incorporated the first proviso of the first clause in subsec. (c)(1) proviso; substituted subsec. (c)(2) providing an option plan for payment of either 25 per centum of the net receipts from lands acquired in fee by the United States to the counties in which such acquired lands are located or three-fourths of 1 per centum of the adjusted cost of the acquired lands, whichever is higher, for the formula of the first clause for returning 25 per centum of the revenues; inserted provisions of subsecs. (d), (e), and (g); and incorporated the second proviso of the first clause in subsec. (f).

1951—Act Oct. 31, 1951, in second proviso, inserted reference to application regulations of the Federal Property and Administrative Services Act of 1949, as amended, and, in third proviso, inserted reference to section 485 of Title 40.

EFFECTIVE DATE OF 1978 AMENDMENT; FISCAL YEAR OF AVAILABILITY OF APPROPRIATION AUTHORIZATION

Section 2 of Pub. L. 95-469 provided that: “The amendments made by this Act [amending this section and sections 1603, 1605 and 1606 of former Title 31, Money and Finance], shall apply with respect to payments made to counties under title IV of the Act of June 15, 1935 [this section], for the fiscal year ending September 30, 1979, and for fiscal years thereafter; except that the amendments made to such title IV [this section] which amend section 401(a) and (g), add paragraph (4) to section 401(c) [subsecs. (a) and (g), and (c)(4) of this section], and amend the title heading [of this section] shall take effect on the date of the enactment of this Act [Oct. 17, 1978]. No authorization for appropriation shall be available under this Act before the fiscal year ending September 30, 1980.”

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93-205 effective Dec. 28, 1973, see section 16 of Pub. L. 93-205, set out as an Effective Date note under section 1531 of this title.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

Reorg. Plan No. III of 1940, set out in the Appendix to Title 5, consolidated Bureau of Fisheries and Bureau of Biological Survey, with their respective functions, into one agency in Department of the Interior to be known as the Fish and Wildlife Service.

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note set out under section 715a of this title.

REFUGE REVENUE SHARING

Pub. L. 105-83, title I, §132, Nov. 14, 1997, 111 Stat. 1570, provided that: “Notwithstanding any other provision of law, hereafter the United States Fish and Wildlife Service may disburse to local entities impact funding pursuant to Refuge Revenue Sharing that is associated with Federal real property transferred to the United States Geological Survey from the United States Fish and Wildlife Service.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 666g, 1535 of this title; title 31 sections 6901, 6903.

SUBCHAPTER IV—HUNTING AND CONSERVATION STAMP TAX

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 668dd, 670b, 6701 of this title; title 18 section 504; title 25 section 564w-1.

§ 718. Definitions

(a) Terms defined in the Migratory Bird Treaty Act [16 U.S.C. 703 et seq.], or the Migratory Bird Conservation Act [16 U.S.C. 715 et seq.], shall, when used in this subchapter, have the meaning assigned to such terms in such Acts, respectively.

(b) As used in this subchapter (1) the term “migratory waterfowl” means the species enumerated in paragraph (a) of subdivision 1 of article I of the treaty between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916 (39 Stat. 1702); (2) the term “State” includes the several States and Territories of the United States and the District of Columbia; and (3) the term “take” means pursue, hunt, shoot, capture, collect, or kill, or attempt to pursue, hunt, shoot, capture, collect, or kill.

(Mar. 16, 1934, ch. 71, §9, 48 Stat. 452.)

REFERENCES IN TEXT

The Migratory Bird Treaty Act, referred to in subsec. (a), is act July 3, 1918, ch. 128, 40 Stat. 755, as amended, which is classified generally to subchapter II (§703 et seq.) of this chapter 7 of this title. For complete classification of this Act to the Code, see section 710 of this title and Tables.

The Migratory Bird Conservation Act, referred to in subsec. (a), is act Feb. 18, 1929, ch. 257, 45 Stat. 1222, as

amended, which is classified generally to subchapter III (§715 et seq.) of chapter 7 of this title. For complete classification of this Act to the Code, see section 715 of this title and Tables.

SHORT TITLE

Act of Mar. 16, 1934, ch. 71, 48 Stat. 451, as amended, which is classified generally to this subchapter, is popularly known as the “Migratory Bird Hunting Stamp Act” and also as the “Duck Stamp Act”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 718e of this title.

§ 718a. Hunting and conservation stamp for taking migratory waterfowl

No person who has attained the age of sixteen years shall take any migratory waterfowl unless at the time of such taking he carries on his person an unexpired Federal migratory-bird hunting and conservation stamp validated by his signature written by himself in ink across the face of the stamp prior to his taking such birds; except that no such stamp shall be required for the taking of migratory waterfowl by Federal or State institutions or official agencies, or for propagation, or by the resident owner, tenant, or share cropper of the property or officially designated agencies of the Department of the Interior for the killing, under such restrictions as the Secretary of the Interior may by regulation prescribe, of such waterfowl when found injuring crops or other property. Any person to whom a stamp has been sold under section 718b of this title shall upon request exhibit such stamp for inspection to any officer or employee of the Department of the Interior authorized to enforce the provisions of this subchapter or to any officer of any State or any political subdivision thereof authorized to enforce game laws.

(Mar. 16, 1934, ch. 71, §1, 48 Stat. 451; June 15, 1935, ch. 261, title I, §1, 49 Stat. 378; 1939 Reorg. Plan No. II, §4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; July 30, 1956, ch. 782, §1, 70 Stat. 722; Feb. 17, 1976, Pub. L. 94-215, §3(a), 90 Stat. 189.)

AMENDMENTS

1976—Pub. L. 94-215 substituted “hunting and conservation stamp” for “hunting stamp” in first sentence.

1956—Act July 30, 1956, substituted “no person who has attained the age of sixteen years”, for “no person over sixteen years of age”.

1935—Act June 15, 1935, substituted “validated by his signature written by himself in ink across the face of the stamp prior to his taking such birds” for “issued to him in the manner hereinafter provided,” and struck out provisions which authorized the Secretary of Agriculture to adopt and promulgate regulations for the protection of private property in the injury of crops.

TRANSFER OF FUNCTIONS

Reorg. Plan No. II of 1939, set out in the Appendix to Title 5, Government Organization and Employees, transferred functions of Secretary of Agriculture relating to conservation of wildlife, game, and migratory birds to Secretary of the Interior.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 670i, 718b, 718e of this title.

§ 718b. Issuance and sale of stamps; deposit of funds in migratory bird conservation fund; fees; validity; expiration; redemption; “retail dealers” and “hunting year” defined

(a) Sales; fund disposition; unsold stamps

The stamps required by section 718a of this title shall be issued and sold by the Postal Service and may be sold by the Department of the Interior, pursuant to regulations prescribed jointly by the Postal Service and the Secretary of the Interior, at (1) each post office of the first- and second-class, and (2) any establishment, facility, or location as the Postal Service and the Secretary of the Interior shall direct or authorize. The funds received from the sale of such stamps by the Department of the Interior shall be deposited in the migratory bird conservation fund in accordance with the provisions of section 718d of this title. Except as provided in subsection (b) of this section, for each stamp sold under the provisions of this section for any hunting year there shall be collected by the Postal Service a sum of not less than \$3 and not more than \$5 as determined by the Secretary of the Interior after taking into consideration, among other matters, the increased cost of lands needed for the conservation of migratory birds. No such stamp shall be valid under any circumstances to authorize the taking of migratory waterfowl except in compliance with Federal and State laws and regulations and then only when the person so taking such waterfowl shall himself have written his signature in ink across the face of the stamp prior to such taking. Such stamps shall be usable as migratory-bird hunting stamps only during the year for which issued. The Postal Service, pursuant to regulations prescribed by it, shall provide for the redemption, on or before the 30th day of June of each year, of blocks composed of two or more attached unused stamps issued for such year (A) that were sold on consignment to any person, including, but not limited to, retail dealers for resale to their customers, and (B) that have not been resold by any such person. As used in this section, the term “retail dealers” means persons regularly engaged in the business of retailing hunting or fishing equipment, and persons duly authorized to act as agents of a State or political subdivision thereof for the sale of State or county hunting or fishing licenses.

(b) Cost of stamp

The Postal Service shall collect \$10.00 for each stamp sold under the provisions of this section for hunting years 1987 and 1988, \$12.50 for hunting years 1989 and 1990, and \$15.00 for each hunting year thereafter, if the Secretary of the Interior determines, at any time before February 1 of the calendar year in which such hunting year begins, that all sums in the migratory bird conservation fund available for obligation and attributable to—

(1) amounts appropriated pursuant to this subchapter for the fiscal year ending in the immediately preceding calendar year; and

(2) the sale of stamps under this section during such fiscal year

have been obligated for expenditure. For purposes of this section, the term “hunting year”

means the 12-month period beginning on July 1 of any such year.

(Mar. 16, 1934, ch. 71, § 2, 48 Stat. 451; June 15, 1935, ch. 261, title I, § 2, 49 Stat. 379; Aug. 12, 1949, ch. 421, § 1, 63 Stat. 599; July 30, 1956, ch. 782, § 2, 3(b), 70 Stat. 722; Aug. 1, 1958, Pub. L. 85-585, § 1, 72 Stat. 486; Dec. 22, 1971, Pub. L. 92-214, § 1, 2, 85 Stat. 777; Feb. 17, 1976, Pub. L. 94-215, § 3(b), (c), 90 Stat. 189; Apr. 21, 1976, Pub. L. 94-273, § 34, 90 Stat. 380; Oct. 30, 1978, Pub. L. 95-552, § 1, 92 Stat. 2071; Nov. 8, 1978, Pub. L. 95-616, § 7(a), 92 Stat. 3114; Nov. 7, 1986, Pub. L. 99-625, § 3, 100 Stat. 3502; Nov. 10, 1986, Pub. L. 99-645, title II, § 202, 100 Stat. 3586.)

AMENDMENTS

1986—Subsec. (b). Pub. L. 99-645, § 202(1), (2), in introductory provisions, substituted “\$10.00 for each stamp sold under the provisions of this section for hunting years 1987 and 1988, \$12.50 for hunting years 1989 and 1990, and \$15.00 for each hunting year thereafter, if” for “\$7.50 for each stamp sold under the provisions of this section for any hunting year if”.

Pub. L. 99-625 and Pub. L. 99-645, § 202(3), amended subsec. (b) identically, inserting “available for obligation” before “attributable to”.

1978—Subsec. (a). Pub. L. 95-616 substituted “June” for “September” in sixth sentence.

Pub. L. 95-552, § 1(1), (2), designated existing provisions as subsec. (a), inserted in third sentence introductory text “Except as provided in subsection (b) of this section,” and “for any hunting year” before “there shall be collected”.

Subsec. (b). Pub. L. 95-552, § 1(3), added subsec. (b).

1976—Pub. L. 94-273 substituted “the year” for “the fiscal year” and “each year” for “each fiscal year”.

Pub. L. 94-215 authorized sale of stamps by the Department of the Interior, substituted provision for prescription of regulations jointly by the Postal Service and the Secretary of the Interior for prior provision for such prescription by the Postal Service and provision for sale of stamps at any establishment, facility, or location as the Postal Service and the Secretary of the Interior shall direct and authorize for prior provision for sale of stamps at such post offices other than first- and second-class post offices as the Postal Service shall direct and inserted provision respecting deposit of funds from sale of stamps by the Department of the Interior in the migratory bird conservation fund; and substituted “September” for “June” in relation to redemption of blocks of stamps, designated existing provisions as cls. (A) and (B), and substituted “consignment to any person, including, but not limited to, ‘retail dealers’ for ‘consignment to retail dealers’ in cl. (A) and ‘by any such person’ for ‘by such dealers’ in cl. (B), respectively.

1971—Pub. L. 92-214 substituted “Postal Service” for “Post Office Department” and “Postmaster General” and inserted provisions authorizing the collection of up to \$5 for each stamp sold to be determined by the Secretary of the Interior after taking into consideration, among other matters, the increased cost of lands needed for the conservation of migratory birds.

1958—Pub. L. 85-585 increased cost of stamp from \$2 to \$3.

1956—Act July 30, 1956, § 2, struck out in existing text to last sentence requirement that stamps remaining unsold by the Post Office Department subsequent to becoming void after the 30th day of June next succeeding issuance be destroyed, substituted provisions in existing last sentence relating to redemption of blocks of unused stamps sold on consignment to retail dealers for resale to their customers, for provisions prohibiting the redemption by the Department in cash or kind of stamps sold under this Act, and inserted sentence defining “retail dealers”. For further amendment of text to last sentence of this section, see section 3(b) of act July 30, 1956, set out below.

Act July 30, 1956, § 3(b), substituted provisions in fourth sentence authorizing use as migratory-bird stamps only during fiscal year for which issued, for provisions requiring stamps to expire and be void after the 30th day of June next succeeding issuance. Amendment of fourth sentence by section 3(b) further amends amendments made to next to last sentence by section 2 of act July 30, 1956, as set out above.

1949—Act Aug. 12, 1949, increased cost of stamp from \$1 to \$2.

1935—Act June 15, 1935, amended section generally.

EFFECTIVE DATE OF 1958 AMENDMENT

Section 4 of Pub. L. 85-585 provided that: “The amendment made by the first section of this Act [amending this section] shall become effective on July 1, 1959. The amendment made by section 2 of this Act [amending section 718d of this title] making available the net proceeds of all moneys received in the migratory bird conservation fund for the location, ascertainment, and acquisition of Waterfowl Production Areas and suitable areas for migratory bird refuges shall become effective on July 1, 1960. The remaining amendments made by this Act [amending section 718d of this title] shall become effective on the date of the enactment of this Act [Aug. 1, 1958]. Any unobligated balance remaining in the migratory bird conservation fund on June 30, 1960, shall thereafter be available for expenditure only for the purposes specified in the Migratory Bird Hunting Stamp Act of March 16, 1934 [this subchapter], as amended by this Act.”

SPENDING OF STAMP MONEY

Section 1 of act Aug. 12, 1949, provided in part: “That the moneys derived from the sale of such stamps shall be spent only upon specific appropriation by the Congress.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 718a, 718e, 3911 of this title.

§ 718b-1. Disposition of unsold stamps; collectors' supply; destruction of surplus

On or after July 30, 1956, such quantity of migratory-bird hunting stamps, not sold at the end of the fiscal year for which issued, as determined by the Postal Service to be (1) required to supply the market for sale to collectors, and (2) in suitable condition for such sale to collectors, shall be turned over to the Philatelic Agency and therein placed on sale. Any surplus stock of such migratory-bird hunting stamps may be destroyed in such manner as the Postal Service shall direct.

(July 30, 1956, ch. 782, § 3(a), 70 Stat. 722; Dec. 22, 1971, Pub. L. 92-214, § 3, 85 Stat. 777.)

CODIFICATION

Section was not enacted as part of act Mar. 16, 1934, which comprises this subchapter.

AMENDMENTS

1971—Pub. L. 92-214 substituted “Postal Service” for “Postmaster General”.

§ 718c. Compliance with treaty or convention regulations and State game laws

Nothing in this subchapter shall be construed to authorize any person to take any migratory waterfowl otherwise than in accordance with regulations adopted and approved pursuant to any treaty or convention heretofore or hereafter entered into between the United States and any

other country for the protection of migratory birds, nor to exempt any person from complying with the game laws of the several States.

(Mar. 16, 1934, ch. 71, § 3, 48 Stat. 451; Nov. 8, 1978, Pub. L. 95-616, § 7(b), 92 Stat. 3114.)

AMENDMENTS

1978—Pub. L. 95-616 provided for convention regulations.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 718e of this title.

§ 718d. Disposition of receipts from sale of stamps

All moneys received for such stamps shall be accounted for by the Postal Service or the Department of the Interior, whichever is appropriate, and paid into the Treasury of the United States, and shall be reserved and set aside as a special fund to be known as the migratory bird conservation fund, to be administered by the Secretary of the Interior. All moneys received into such fund are appropriated for the following objects and shall be available therefor until expended:

(a) Advance allotments to Postal Service

So much as may be necessary shall be used by the Secretary of the Interior to make advance allotments to the Postal Service at such times and in such amounts as may be mutually agreed upon by the Secretary of the Interior and the Postal Service for direct expenditure by the Postal Service for engraving, printing, issuing, selling, and accounting for migratory bird hunting stamps and moneys received from the sale thereof, in addition to expenses for personal services in the District of Columbia and elsewhere, and such other expenses as may be necessary in executing the duties and functions required of the Postal Service.

(b) Acquisition of bird refuges

Except as authorized in subsection (c) of this section, the remainder shall be available for the location, ascertainment, and acquisition of suitable areas for migratory bird refuges under the provisions of the Migratory Bird Conservation Act [16 U.S.C. 715 et seq.] and for the administrative costs incurred in the acquisition of such areas.

(c) Waterfowl Production Areas

The Secretary of the Interior is authorized to utilize funds made available under subsection (b) of this section for the purposes of such subsection, and such other funds as may be appropriated for the purposes of such subsection, or of this subsection, to acquire, or defray the expense incident to the acquisition by gift, devise, lease, purchase, or exchange of, small wetland and pothole areas, interests therein, and rights-of-way to provide access thereto. Such small areas, to be designated as "Waterfowl Production Areas", may be acquired without regard to the limitations and requirements of the Migratory Bird Conservation Act [16 U.S.C. 715 et seq.], but all of the provisions of such Act which govern the administration and protection of lands acquired thereunder, except the inviolate sanctuary provisions of such Act, shall be appli-

cable to areas acquired pursuant to this subsection.

(Mar. 16, 1934, ch. 71, § 4, 48 Stat. 451; June 15, 1935, ch. 261, title I, §§ 3, 4, 49 Stat. 379, 380; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; Aug. 12, 1949, ch. 421, § 2, 63 Stat. 600; Oct. 20, 1951, ch. 520, 65 Stat. 451; Aug. 1, 1958, Pub. L. 85-585, §§ 2, 3, 72 Stat. 486, 487; Oct. 15, 1966, Pub. L. 89-669, § 6, 80 Stat. 929; Dec. 22, 1971, Pub. L. 92-214, § 2, 85 Stat. 777; Feb. 17, 1976, Pub. L. 94-215, § 3(d), 90 Stat. 190.)

REFERENCES IN TEXT

The Migratory Bird Conservation Act, referred to in subsecs. (b) and (c), is act Feb. 18, 1929, ch. 257, 45 Stat. 1222, as amended, which is classified generally to subchapter III (§ 715 et seq.) of chapter 7 of this title. For complete classification of this Act to the Code, see section 715 of this title and Tables.

AMENDMENTS

1976—Pub. L. 94-215 inserted "or the Department of the Interior, whichever is appropriate," after "Postal Service" in first sentence.

1971—Pub. L. 92-214 substituted "Postal Service" for "Post Office Department" in introductory provisions and "Postal Service" for "Post Office Department" and "Postmaster General" in subsec. (a).

1966—Subsec. (b). Pub. L. 89-669 struck out provisos relating to wildlife management areas and rule making for such areas which are now covered by section 668bb(d) (1) of this title.

1958—Subsecs. (a), (b). Pub. L. 85-585 earmarked proceeds from sale of stamps, less expenses of Post Office Department in connection with fish and wildlife matters, for the acquisition of migratory bird refuges, and permitted hunting of resident game birds in designated wildlife management areas.

Subsec. (c). Pub. L. 85-585 added subsec. (c).

1951—Subsec. (a). Act Oct. 20, 1951, substituted "85 per centum" for "90 per centum".

Subsec. (b). Act Oct. 20, 1951, inserted "in enforcing" after "The remainder shall be available for expenses".

1949—Subsec. (a). Act Aug. 12, 1949, inserted proviso.

1935—Act June 15, 1935, amended section generally.

EFFECTIVE DATE OF 1958 AMENDMENT

For effective date of amendment by Pub. L. 85-585, see section 4 of Pub. L. 85-585, set out as a note under section 718b of this title.

TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note set out under section 718a of this title.

CROSS REFERENCES

Funds appropriated pursuant to sections 715k-3 to 715k-5 of this title, to be added to, accounted and used for purposes of the migratory bird conservation fund established under this section, see section 715k-4 of this title.

Repayment of funds treated as an advance without interest to the migratory bird conservation fund, see section 715k-5 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 715k-4, 718b, 718e, 3911, 3912 of this title; title 25 section 564w-1.

§ 718e. Offenses

(a) Loan or transfer of stamp

No person to whom has been sold a migratory-bird hunting stamp, validated as provided in sec-

tion 718a of this title, shall loan or transfer such stamp to any person during the period of its validity; nor shall any person other than the person validating such stamp use it for any purpose during such period.

(b) Alteration and counterfeiting of stamp

Except as provided in clauses (i) and (ii) of section 504(1)(D) of title 18, no person shall alter, mutilate, imitate, or counterfeit any stamp authorized by this subchapter, or imitate or counterfeit any die, plate, or engraving therefor, or make, print, or knowingly use, sell, or have in his possession any such counterfeit, die, plate, or engraving.

(c) Reproduction of migratory bird hunting stamps; regulation by Secretary of the Interior; disposition of proceeds

Notwithstanding the provisions of subsection (b) of this section, or the prohibition in section 474 of title 18, or other provisions of law, the Secretary of the Interior may authorize, with the concurrence of the Secretary of the Treasury,

- (1) the color reproduction, or
- (2) the black and white reproduction,

of migratory bird hunting stamps authorized by sections 718 to 718b, 718c, 718d, and 718f to 718h of this title, which otherwise satisfies the requirements of clauses (ii) and (iii) of section 504(1) of title 18. Any such reproduction shall be subject to those terms and conditions deemed necessary by the Secretary of the Interior by regulation or otherwise and any proceeds received by the Federal Government as a result of such reproduction shall be paid, after deducting expenses for marketing, into the migratory bird conservation fund established under section 718d of this title.

(Mar. 16, 1934, ch. 71, § 5, 48 Stat. 452; June 15, 1935, ch. 261, title I, § 5, 49 Stat. 380; July 18, 1984, Pub. L. 98-369, div. A, title X, § 1077(a), (b)(3), 98 Stat. 1054, 1055; Nov. 14, 1988, Pub. L. 100-653, title III, § 302, 102 Stat. 3827.)

AMENDMENTS

1988—Subsec. (c). Pub. L. 100-653 inserted “, after deducting expenses for marketing,” after “paid”.

1984—Subsec. (b). Pub. L. 98-369, § 1077(b)(3), substituted “Except as provided in clauses (i) and (ii) of section 504(1)(D) of title 18, no person” for “No person”.

Subsec. (c). Pub. L. 98-369, § 1077(a), added subsec. (c).

1935—Act June 15, 1935, amended section generally.

EFFECTIVE DATE OF 1984 AMENDMENT

Section 1077(c) of Pub. L. 98-369 provided that: “The amendments made by this section [amending this section and section 504 of Title 18, Crimes and Criminal Procedure] shall take effect on the date of the enactment of this Act [July 18, 1984].”

§ 718f. Enforcement; authority of United States judges, magistrate judges, and employees of Department of the Interior

For the efficient execution of this subchapter, the judges of the several courts, established under the laws of the United States, United States magistrate judges, and persons appointed by the Secretary of the Interior to enforce the provisions of this subchapter, shall have, with respect thereto, like powers and duties as are conferred upon said judges, magistrate judges,

and employees of the Department of the Interior by the Migratory Bird Treaty Act [16 U.S.C. 703 et seq.], or any other Act to carry into effect any treaty for the protection of migratory birds with respect to that Act. Any bird or part thereof taken or possessed contrary to this subchapter shall, when seized, be disposed of by the Secretary in accordance with law.

(Mar. 16, 1934, ch. 71, § 6, 48 Stat. 452; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; Oct. 17, 1968, Pub. L. 90-578, title IV, § 402(b)(2), 82 Stat. 1118; Nov. 8, 1978, Pub. L. 95-616, § 3(i), 92 Stat. 3112; Dec. 1, 1990, Pub. L. 101-650, title III, § 321, 104 Stat. 5117.)

REFERENCES IN TEXT

The Migratory Bird Treaty Act, and “that Act”, referred to in text, is act July 3, 1918, ch. 128, 40 Stat. 755, as amended, which is classified generally to subchapter II (§ 703 et seq.) of chapter 7 of this title. For complete classification of this Act to the Code, see section 710 of this title and Tables.

AMENDMENTS

1978—Pub. L. 95-616 substituted in last sentence “contrary to this subchapter shall, when seized, be disposed of by the Secretary in accordance with law” for “contrary to such Acts shall, when seized, be disposed of as provided by the Migratory Bird Treaty Act, or Acts aforesaid”.

CHANGE OF NAME

“United States magistrate judges” and “magistrate judges” substituted for “United States magistrates” and “magistrates”, respectively, in text pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure. Previously, “magistrates” substituted in text for “commissioners” pursuant to Pub. L. 90-578. See chapter 43 (§ 631 et seq.) of Title 28.

TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note set out under section 718a of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 716e of this title.

§ 718g. Penalties

Any person who shall violate any provision of this subchapter, or who shall violate or fail to comply with any regulation made pursuant thereto shall be subject to the penalties provided in section 707 of this title.

(Mar. 16, 1934, ch. 71, § 7, 48 Stat. 452.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 718e of this title.

§ 718h. Cooperation with States and Territories

The Secretary of the Interior is authorized to cooperate with the several States and Territories in the enforcement of the provisions of this subchapter.

(Mar. 16, 1934, ch. 71, § 8, 48 Stat. 452; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939,

see Transfer of Functions note set out under section 718a of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 718e of this title.

§ 718i. Repealed. July 30, 1956, ch. 782, § 3(c), 70 Stat. 722

Section, act June 28, 1941, ch. 259, § 1, 55 Stat. 356, related to disposal of surplus stamps and restricted use of stamps to the fiscal year for which issued. See sections 718b and 718b-1 of this title.

§ 718j. Crediting of funds received as fees for entering migratory-bird hunting and conservation stamp contest

Notwithstanding any other provision of law, moneys received by the United States Fish and Wildlife Service in the form of fees for entering the migratory-bird hunting and conservation stamp contest shall be credited first to the appropriation account from which expenditures for the administration of such contest are made, and second, to the extent such moneys exceed the expenditures for administration of the contest, to the migratory-bird conservation fund.

(Mar. 16, 1934, ch. 71, § 10, as added Oct. 14, 1982, Pub. L. 97-307, 96 Stat. 1450.)

SUBCHAPTER V—JUNIOR DUCK STAMP CONSERVATION AND DESIGN PROGRAM

§ 719. Establishment of Program

(a) In general

The Secretary of the Interior (in this subchapter referred to as the “Secretary”) may carry out in accordance with this subchapter a program to be known as the “Junior Duck Stamp Conservation and Design Program” (in this subchapter referred to as the “Program”) to accomplish the goals of—

- (1) providing to school children environmental education opportunities relating to the conservation and management of migratory birds; and
- (2) increasing the capacity for schools, States, and other educational programs to conduct conservation and education programs.

(b) Program features

The Program shall consist of—

- (1) conducting in all interested States the activities which on the day before October 6, 1994, are conducted under the program known as the Junior Duck Stamp Conservation and Design Program;
- (2) other activities authorized under the Program by this subchapter or any other Act; and
- (3) any other activity necessary to carry out the conservation and education goals of the Program.

(c) Effort to conduct Program in all States

(1) In general

The Secretary shall take appropriate steps to seek to conduct the Program in all of the 50 States.

(2) Annual report

The Secretary shall annually submit a report to the Congress on the status of the Program in each of the 50 States.

(Pub. L. 103-340, § 2, Oct. 6, 1994, 108 Stat. 3119.)

SHORT TITLE

Section 1 of Pub. L. 103-340 provided that: “This Act [enacting this subchapter and provisions listed in a table of National Wildlife Refuges set out under section 668dd of this title] may be cited as the ‘Junior Duck Stamp Conservation and Design Program Act of 1994.’”

§ 719a. Junior Duck Stamp

(a) Competition

As part of the Program, the Secretary may annually conduct a competition to—

- (1) solicit the submission by students at elementary and secondary schools of designs relating to conservation of migratory birds; and
- (2) select winning designs from among those submissions for use for licensing and marketing under subsection (b) of this section.

(b) Licensing and marketing of design of Junior Duck Stamps

As part of the Program, the Secretary may—

- (1) license and market winning designs selected in competitions under subsection (a) of this section; and
- (2) license and market stamps bearing those designs, which shall be known as Junior Duck Stamps.

(c) Use of proceeds from licensing and marketing of Junior Duck Stamps and Junior Duck Stamp designs

Amounts received under subsection (b) of this section—

- (1) shall be available to the Secretary until expended, without further appropriations, solely for—
 - (A) awards and scholarships to individuals who submit designs in competitions under subsection (a) of this section, that are—
 - (i) selected in such a competition as winning designs; or
 - (ii) otherwise determined in such a competition to be superior;
 - (B) awards to schools and other participants to further education activities related to the conservation education goals of the Program; and
 - (C) expenses for licensing and marketing under subsection (b) of this section; and
- (2) may not be used for administrative expenses of the Program.

(Pub. L. 103-340, § 3, Oct. 6, 1994, 108 Stat. 3119.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 719b of this title.

§ 719b. Acceptance of gifts, devises, and bequests

The Secretary may accept and use any gift, devise, or bequest of personal property, or proceeds thereof, for the purpose of funding the activities described in section 719a(c)(1)(A) and (B) of this title.

(Pub. L. 103-340, § 4, Oct. 6, 1994, 108 Stat. 3120.)

§ 719c. Authorization of appropriations

There are authorized to be appropriated to the Secretary for administrative expenses of the